

### **REMARKS**

Applicant has carefully reviewed the Application in light of the Office Action mailed July 7, 2006. At the time of the Office Action, Claims 1-39 were pending and rejected in the Application. Applicant amends Claims 2, 3, 4, 7, 9, 10, 14, and 15 and cancels Claims 1, 5, 6, 8, 11, 12, 13, and 16-39 without prejudice or disclaimer. Applicant adds Claims 40-70. Applicant's amendments, cancellations, and additions have been done to advance prosecution in this case and not to overcome prior art. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

### **Claim Objections**

The Examiner rejects Claims 15 and 30 because the drawings and specifications contain no disclosure of the claimed subject matter of these claims. *Office Action*, p. 2. Applicant cancels Claims 15 and 30 without prejudice or disclaimer.

### **Section 102 Rejection**

The Examiner rejects Claims 1-5, 16, 17, 22, and 23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,154,254 issued to Thompson et al. (hereinafter "*Thompson*").

Applicant cancels Claims 1, 5, 16, 17, 22, and 23. Applicant amends Claims 2, 3, and 4 to be dependent on new Independent Claim 40 and respectfully requests reconsideration and allowance of Claims 2, 3, and 4. Applicant respectfully submits that new Claims 40-70 and the claims depending therefrom are patentable over the prior art of record.

Applicant respectfully submits that *Thompson* fails to disclose, teach, or suggest each limitation recited in Applicant's claims. For example, *Thompson* does not disclose an "accelerated weight drop, comprising a striker positionable over a surface, a housing at least partially surrounding the striker, a driver operatively coupled to the striker and operable to drive the striker toward the surface, and an impact isolator operable to allow the housing to move relative to the surface upon an impact of the striker with the surface," as recited in new Claim 40. In fact, the Examiner acknowledges that *Thompson* fails to disclose each and every limitation recited in Applicant's claims. *Office Action*, p. 3. For example, the

Examiner states that *Thompson* fails to teach “a housing surrounding the striker assembly.” *Office Action*, p. 3. *Thompson* also fails to teach “an impact isolator comprising a plate having a slot formed therein.” *Office Action*, p. 4. Therefore, *Thompson* fails to disclose these limitations, and the pending claims are allowable for at least these reasons. Accordingly, Applicant respectfully requests reconsideration and allowance of all Claims.

### **Section 103 Rejection**

The Examiner rejects Claims 6, 9, 10-15, 18, and 24-30 under 35 U.S.C. §103(a) as being unpatentable over *Thompson* in view of U.S. Patent No. 4,402,381 issued to Airhart (hereinafter “*Airhart*”). The Examiner rejects Claims 7, 8, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over *Thompson* in view of *Airhart* as applied to Claims 6 and 18 above, and further in view of U.S. Patent Application Publication No. 2003/0127227 issued to Fehr et al. (hereinafter “*Fehr*”).

Applicant cancels Claims 6, 8, 11-13, 18-21 and 24-30. Applicant amends Claims 7, 9, 10, 14, and 15 to be dependent on new Independent Claim 40 and respectfully requests reconsideration and allowance of Claims 7, 9, 10, 14, and 15.

None of the prior art of record discloses, teaches, or suggests each limitation recited in Applicant’s claims. As one example, neither *Thompson*, nor *Airhart* – taken separately or in combination – discloses, teaches, or suggests an “accelerated weight drop, comprising a striker positionable over a surface, a housing at least partially surrounding the striker, a driver operatively coupled to the striker and operable to drive the striker toward the surface, and an impact isolator operable to allow the housing to move relative to the surface upon an impact of the striker with the surface,” as recited in new Claim 40.

The Examiner has acknowledged that *Thompson* lacks “an impact isolator comprising a plate having a slot formed therein.” *Office Action*, p. 4. Further, *Airhart* discloses that “bearing plate 50” and “lift bracket 60” operate to ensure that upon an impact of the striker with the surface (see, e.g., Figure 2 of *Airhart* showing the apparatus as used when striking the surface), the housing 12 is not allowed to move relative to the ground 15. See *Airhart* at 4:8-22. Applicant’s new Claim 40 recites “an impact isolator operable to allow the housing

to move relative to the surface upon an impact of the striker with the surface.” Accordingly, Applicant respectfully requests reconsideration and allowance of all Claims.

**New Claims**

Applicant adds new Claims 40-70, which are fully supported by the specification of the present Application as originally filed. Claim 40 recites an “accelerated weight drop, comprising a striker positionable over a surface, a housing at least partially surrounding the striker, a driver operatively coupled to the striker and operable to drive the striker toward the surface, and an impact isolator operable to allow the housing to move relative to the surface upon an impact of the striker with the surface.” Neither *Thompson* nor *Airhart* – taken separately or in combination – discloses, teaches, or suggests this limitation of Claim 40. Accordingly, Applicant requests consideration and allowance of at least Claim 40 and its dependents, new Claims 41-44.

New Independent Claims 45 and 58 each recite certain limitations that, for reasons substantially similar to those discussed with reference to Claim 40, *Thompson* and *Airhart* – taken separately or in combination – do not disclose, teach, or suggest. Therefore, Applicant respectfully requests consideration and allowance of Claims 45 and 58 together with their dependents.

For all of these reasons, Applicant respectfully submits that New Claims 40-70 and all claims depending therefrom are in condition for allowance.

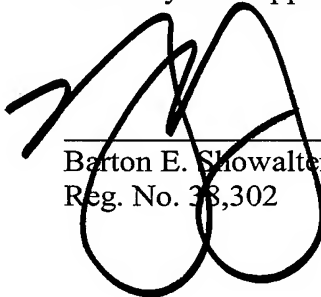
**CONCLUSION**

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invite the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,  
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